

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 10/806,451  
Attorney Docket No.: Q80326

**REMARKS**

In the present Amendment, the recitations of claim 5 have been incorporated into independent claim 1, and claim 5 has been cancelled, accordingly.

The recitation in original claim 1 to the effect that the sulfonium salt compound has a cation moiety has been deleted, since structural formula (A) now included in claim 1 expressly shows the cation moiety. In addition, the recitation in original claim 1 to the effect that the cation moiety contains at least one hydroxyl group has been deleted as repetitive or unnecessary, since, as seen in formula (A), the cation moiety of the sulfonium salt compound contains at least hydroxy group.

Upon entry of the Amendment, which is respectfully requested, claims 1-4 and 6-10 will be pending.

In Paragraph No. 3 of the Action, claims 1-10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Aoai et al (EP 1 243 968 A2).

The Examiner states that Aoai et al disclose a positive resist composition comprising: (A) a resin capable of decomposing by the action of an acid to increase the solubility in an alkali developer; and (B) a compound capable of generating an acid upon irradiation with one of an actinic ray and a radiation, wherein the resin (A) contains a specific repeating unit having the structure of formula (I) which allegedly meets the instant claim limitations. Additionally, the Examiner states, the resist composition comprises a sulfonium photoacid generator allegedly meeting the structural limitations of the present formula (A), a nitrogen-containing basic compound, a dissolution inhibitor, and an F or Si-containing surfactant.

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Therefore, the Examiner states, the present claims are anticipated.

Applicants submit that this rejection should be reconsidered and withdrawn because Aoai et al EP '968 does not disclose or render obvious the positive resist composition of the present invention.

Aoai et al EP '968 does not contain any disclosure of a sulfonium salt compound of formula (A) in claim 1 as amended. While EP '968 does disclose several sulfonium salt compounds having a triphenyl sulfonium cation, see specifically compounds PAG4-1 through PAG4-7 at pages 26-27 of EP '968, none of these compounds have a hydroxyl group on one of the phenyl rings. Further, there is nothing in EP '968 which would suggest modifying the compounds of EP '968 just discussed to have a hydroxyl group.

While not necessary to overcome to the rejection, Applicants further note that EP '968 does not in the working examples use any sulfonium salt compound which has a cation moiety containing a hydroxyl group, let alone a cation moiety which satisfies present formula (A). Rather, the working examples employ nonaflate salt of triphenyl sulfonium (PAG4-3) shown at page 26 of EP '968.

In view of the above, Applicants respectfully submit that the rejection of claims 1-10 based on Aoai et al EP '968 should be reconsidered and withdrawn.

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Allowance is respectfully requested.

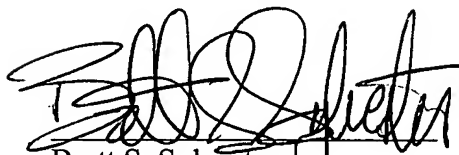
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**23373**

CUSTOMER NUMBER

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett S. Sylvester", written over a horizontal line.

Brett S. Sylvester  
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